

WSR 22-01-107
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO RAP) NO. 25700-A-1404
16.9—PERSONAL RESTRAINT)
PETITION—RESPONSE TO)
PETITION)

The Washington Appellate Courts Rules Committee, having recommended the suggested amendment to RAP 16.9—Personal Restraint Petition—Response to Petition, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment

Rules of Appellate Procedure

Rule 16.9 - Personal Restraint Petition - Response to Petition

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 16.9 addresses the expectation of a response to a personal restraint petition. The rule currently consists of two subparts. Subpart (a) identifies the required contents of and sets the time limit for filing a response to a personal restraint petition. Subpart (b) is a discretionary mechanism for directing a respondent to admit or deny a specific allegation. The rule does not limit the length of a response. The proposed amendment would add subpart (c), which proposes setting the length of the response by reference to RAP 18.17's length limitation for a personal restraint petition (i.e., 12,000 words (word processing software) or 50 pages (typewriter or handwritten)).

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

RAP 16.9

PERSONAL RESTRAINT PETITION—RESPONSE TO PETITION

(a) Generally. The respondent must serve and file any response within 60 days after the court requests that a response be filed, unless the time is extended by the commissioner or clerk for good cause shown. The response must answer the allegations in the petition. The response must state the authority for the restraint of petitioner by respondent and, if the authority is in writing, include a conformed copy of the writing. If an allegation in the petition can be answered by reference to a record of another proceeding, the response should so indicate and include a copy of those parts of the record that are relevant. Respondent should also identify in the response all material disputed questions of fact.

(b) Requirement To Admit or Deny. After the time for filing a response has passed, the appellate court may direct the respondent to admit or deny specific allegations.

(c) Length of Response. The response should comply with the same length limitations for personal restraint petitions in RAP 18.17.

[Adopted effective July 1, 1976; Amended effective September 1, 1998; April 16, 2002; September 1, 2006; September 1, 2014.]